
**Economic Development,
Agriculture & Trade Committee**

HB 2651

Brief Description: Regarding disclosure of animal information.

Sponsors: Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer.

Brief Summary of Bill

- Exempts from public disclosure certain animal premise, identification and movement data as well as associated passwords and linkages used to meet the requirements of a state or national animal identification system.
- Exempts from public disclosure animal testing information submitted voluntarily to the state Department of Agriculture, except for completed reportable disease investigations found to be positive.

Hearing Date: 1/30/06

Staff: Meg Van Schoorl (786-7105).

Background:

National Animal Identification System (NAIS) Purposes

In 2004, the U.S. Department of Agriculture (USDA) initiated the NAIS as a comprehensive information system to support ongoing animal disease monitoring, surveillance, and eradication programs. When fully operational, the system is planned to be in use in all states to identify and track animals as they come into contact and commingle with animals other than those in their premise of origin. The system is intended to enable animal health officials to trace a sick animal or group of animals back to the herd or premise that was the most likely source of infection, and to trace forward animals that might have been exposed but later moved away from the infected herd or premise. A stated long-term NAIS goal is to be able to identify all premises and animals that had direct contact with a foreign animal disease or domestic disease of concern within 48 hours of discovery.

NAIS Implementation

NAIS implementation involves both the federal and state departments of agriculture and has three phases: premise registration; animal identification; and animal movement reporting. The program is currently voluntary, but may become mandatory at the federal level in 2008 or 2009.

The first phase, *voluntary premise registration*, is a state and tribal responsibility. A premise is a location where animals are born, managed, marketed or exhibited. The state Department of Agriculture began premise registrations in January 2005. In the past year, 875 Washington premises have registered using an application that calls for the following information:

- "Account Information:" primary and alternate contact names; account number; mailing address; telephone/fax/e-mail; business type (LLC, non-profit, incorporated, government, etc.); business operation type (lab, slaughter plant, market/collection point, quarantine facility, production unit, exhibition, etc.).
- "Premise Information:" name/description of premise ("back 40;" "barn #2"); premise number if known; physical address; longitude/latitude if known; primary contact name, telephone/fax; legal description of land (township, range, section); and premise operation type (lab, slaughter plant, market/collection point, quarantine facility, production unit, exhibition, etc.).

The second phase of NAIS will involve issuance of unique individual or group lot *animal identification numbers*. Nationally, a number of industry/government species-specific workgroups have formed to consider which types of identification will work best for their particular animals. Methods under consideration include radio frequency identification tags, retinal scans, DNA, and other options.

The third phase will focus on collection of *information on animal movement* from one premise to another. The USDA indicates that the information repository will retain records of the animal identification number, the premises identification number where the movement takes place, the date, and type of event such as movement in, movement out, or termination of the animal. Additional information pertinent to an animal disease investigation, such as species, age, and breed may also be reported and stored.

Access to Data and Disclosure

According to the USDA, federal, state, and tribal animal health and public health officials will have access to the information repository when they need data to administer animal health programs (for example, if a suspected foreign animal disease is reported and requires an epidemiologic investigation). The USDA also states that the national information repository will include information for animal and disease tracking purposes and that proprietary production data will not be retained by the USDA.

Due to privacy concerns voiced by producers, the USDA is investigating options for protecting the confidentiality of animal premise, identification and movement data from the Freedom of Information Act (FOIA). Because public disclosure laws, rules, and issues vary from state to state, there is no standardized approach being taken by states with respect to public disclosure exemptions for premise, identification, and movement data.

Reportable Diseases

The Director of the Department designates by rule certain animal diseases as "reportable" by veterinarians, veterinary laboratories, and others when required by statute. The list of reportable diseases is in WAC 16-70-010. Some are categorized as emergency diseases which must be reported to the State Veterinarian on the day discovered. Examples are: Bovine Spongiform Encephalopathy (BSE), Exotic Newcastle Disease, Foot and Mouth Disease, and High Pathogenic Avian Influenza. Some must be reported the next working day when suspected or confirmed, including: Brucellosis, Chronic Wasting Disease, and Lyme Disease. Other diseases are reportable monthly.

Summary of Bill:

Livestock premise, identification, and movement data are found to be proprietary information that help define a livestock producer's competitive market position. Voluntary animal testing information is also found to be proprietary data that helps a producer implement on-farm animal health practices. Exempting certain animal identification and testing information from state public disclosure requirements will protect animal health, encourage voluntary producer participation, and increase the effectiveness of the livestock identification system.

Certain animal premise, identification, and movement data and associated passwords and linkages used to meet the requirements of a state or national animal identification system are exempt from public disclosure due to their proprietary nature.

Animal testing information submitted voluntarily to the state Department of Agriculture by a producer or his or her designee is exempt from public disclosure due to its proprietary nature. The exemption does not apply to information pertaining to reportable disease investigations that are complete and found to be positive.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except that Section 3 relating to public disclosure exemptions for agriculture and livestock information takes effect July 1, 2006.